

REMARKS:

Claims 1-28 are currently pending in the application.

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,823,495 to Vedula, et al. ("*Vedula*").

OFFICIAL NOTICE:

The Applicant thanks the Examiner for acknowledging that the Examiner is not invoking Official Notice in the instant Office Action or has not invoked Official Notice in any previous Office Action of the subject Application.

REJECTION UNDER 35 U.S.C. § 103:

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) over *Vedula*.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest each and every element of independent Claims 1-28. Thus, the Applicant respectfully traverses the Examiner's obvious rejection of Claims 1-28 under 35 U.S.C. § 103(a) over *Vedula*.

***Vedula* Fails to Teach, or Suggest Various Limitations Recited in Applicant's Claims**

For example, with respect to independent Claim 1, this claim recites:

A schema translation tool, comprising:
a mapping module operable to:
 receive information regarding a source schema and a target schema, the source and target schemas each comprising ***a taxonomy comprising a hierarchy of classes into which products may be categorized***, at least the source schema further comprising ***a product ontology*** associated with one or more of the classes, each product ontology ***comprising one or more product attributes***; and
 associate one or more source classes of the source schema with one or more target classes of the target schema; and

an ontology generation module operable to generate a product ontology for each of the target classes based on the product ontologies of the associated source classes. (Emphasis added)

Independent Claims 9, 17, and 25-28 recite similar limitations. *Vedula* fails to disclose each and every limitation of independent Claims 1, 9, 17, and 25-28.

The Office Action Acknowledges that *Vedula* Fails to Disclose Various Limitations Recited in Applicants Claims

The Applicant respectfully submits that the Office Action acknowledges, and the Applicant agrees, that *Vedula* fails to disclose various limitations recited in independent Claim 1. Specifically the Examiner acknowledges that *Vedula* fails to teach products and in particular that “*Vedula* differs [from the subject Application] in that the individual records [of *Vedula*] are not specifically referring to products, but are generic business document records.” (30 March 2007 Final Office Action, Pages 5-6). However, the Examiner alleges that the distinction between *Vedula* and the Applicant’s claimed subject matter is ***non-functional descriptive material***. (see MPEP 2106.02(II)). The Applicant respectfully disagrees and respectfully traverses the Examiner’s allegations that the product information disclosed in independent Claim 1 is “***non-functional descriptive material***”.

In essence, it appears that the Examiner is alleging that since the rational to modify or combine the prior art is not found in a reference (i.e., *Vedula*), or reasoned from common knowledge in the art, scientific principles, art-recognized equivalents, or legal precedents, the Examiner is relying solely on a “***non-functional descriptive material***” argument to support the present obviousness rejection. In addition, the Examiner appears to be equating “***a taxonomy comprising a hierarchy of classes into which products may be categorized***”, at least the source schema further comprising ***a product ontology*** associated with one or more of the classes, each product ontology ***comprising one or more product attributes***” with the ***non-functional descriptive material***, described in MPEP 2106.02(II). (30 March 2007 Final Office Action, Pages 5-6). The Applicant respectfully disagrees. Furthermore, the Examiner’s conclusory statement that the “non-functional descriptive material is accordingly considered to have been an obvious feature

to the person or ordinary skill in the art at the time of the invention” and that “since it is non-functional descriptive material established by precedent as being non-obvious subject matter”, is unaccompanied by evidence or any reasoning and is entirely inadequate to support the present obviousness rejection. (30 March 2007 Final Office Action, Pages 5-6).

In addition, the Examiner's conclusory statement:

Forming the records to contain non-functional descriptive material, such as product information, would have been obvious to one of ordinary skill in the art.” (19 October 2006 Office Action, Page 3).

The above noticed Examiner's conclusory statement ***does not adequately address the issue that this statement is considered to be common knowledge or well-known in the art.*** The Applicant respectfully submits the following statement, to further explain why the Examiner's above statement is not considered to be common knowledge or well-known in the art.

First, it is not clear what the Examiner means by “***non-functional descriptive material***”. In fact, the limitations recited in independent Claim 1 are directed to a product ontology which is comprised of product attributes. It is not clear how the Examiner's purported “***non-functional descriptive material***” relates to an ontology or product attributes, especially as attributes are properties of the products. In response to previous requests for further explanation from the Examiner, the Examiner has merely cited the MPEP, to explain what the Examiner means by “***non-functional descriptive material***”. However, the Applicant maintains the Applicant's request for the Examiner to explain the Examiner's rejection of the subject Application with respect to the Examiner's use of “***non-functional descriptive material***” argument.

Second, it is not clear how product information can be “***non-functional and descriptive***” when the product information forms the basis for the product ontology. As the product attributes are used to comprise an ontology and ontologies are used to comprise schemas, it is unclear to the Applicant, how product data can be considered “***non-functional descriptive material***” that is unrelated to the substrate.

Thus, if the Examiner continues to maintain the rejection of independent Claim 1 based on the Examiner's "**non-functional descriptive material**" argument, ***the Applicant respectfully requests that the Examiner provide further explanation or reasoning on how the Applicant's claimed invention is considered to be non-functional descriptive material.***

Vedula Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Dependent Claims 5, 13, and 21

For example, with respect to dependent Claim 5, this claim recites:

5. The translation tool of Claim 1, wherein the ontology generation module is operable to generate a ***product ontology*** for a target class ***by determining the intersection of the product attributes*** included in the product ontologies of the associated source classes. (Emphasis Added).

Dependent Claims 13 and 21 recite similar limitations. *Vedula* fails to disclose each and every limitation of dependent Claims 5, 13, and 21.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest dependent Claim 5 limitations regarding "wherein the ontology generation module is operable to generate a ***product ontology*** for a target class ***by determining the intersection of the product attributes*** included in the product ontologies of the associated source classes". The Office Action alleges that *Vedula* teaches this limitation by mappings 16a and 16b in Figure 1. (30 March 2007 Final Office Action, Page 3). However, as stated in *Vedula*, the mappings are created by a user, using graphical mapping indicia (collectively 16). (Column 9, Lines 1-11). Thus, *Vedula* merely teaches that a user chooses the relationships between the products. However, *Vedula* does not disclose, teach, or suggest that an ontology generation module ***determines the intersection of product attributes***, as recited in dependent Claim 5. In addition, as argued above with regards to independent Claim 1, *Vedula* fails to teach an ontology generation module because, *inter alia* *Vedula* does not teach, suggest, or even hint at ***ontology generation***. Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Vedula* and dependent Claim 5

cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish dependent Claim 5 from *Vedula*.

***Vedula* Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Dependent Claims 6, 14, and 22**

For example, with respect to dependent Claim 6, this claim recites:

6. The translation tool of Claim 1, wherein the ***ontology generation module*** is further operable to ***generate a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes included in the product ontologies of the target classes, ***the product ontologies of the target classes having been generated by the ontology generation module***. (Emphasis Added).

Dependent Claims 14 and 22 recite similar limitations. *Vedula* fails to disclose each and every limitation of dependent Claims 6, 14, and 22.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest dependent Claim 6 limitations regarding “wherein the ***ontology generation module*** is further operable to ***generate a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes included in the product ontologies of the target classes, ***the product ontologies of the target classes having been generated by the ontology generation module***”. However, *Vedula* merely teaches that the target already has a defined ontology. In addition, because, *inter alia* *Vedula* teaches that the target already has a defined ontology, *Vedula* fails to teach, suggest, or even hint at “***generat[ing] a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes”. Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Vedula* and dependent Claim 6 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish dependent Claim 6 from *Vedula*.

The Applicant's Claims are Patentable over the Proposed *Vedula-Official-Notice* Combination

The Applicant respectfully submits that, for at least the reasons set forth above, independent Claim 1 is considered patentably distinguishable over the proposed combination of *Vedula* and the Examiner's Official Notice, either individually or in combination. With respect to independent Claims 9, 17, and 25-28 each of these claims include limitations similar to those of independent Claim 1. Thus, independent Claims 1, 9, 17, and 25-28 are considered patentably distinguishable over *Vedula* and the Examiner's Official Notice, either individually or in combination.

Dependent Claims 2-8, 10-16, and 18-24 depend from independent Claim 1, 9, and 17, respectively. As mentioned above, each of independent Claims 1, 9, and 17 are considered patentably distinguishable over *Vedula* and the Examiner's Official Notice. Thus, dependent Claims 2-8, 10-16, and 18-24 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, the Applicant respectfully submits that Claims 1-28 are not rendered obvious by the proposed combination of *Vedula* or the Examiner's Official Notice. The Applicant further respectfully submits that Claims 1-28 are in condition for allowance. Thus, the Applicant respectfully requests that the rejection of Claims 1- 28 under 35 U.S.C. § 103(a) be reconsidered and that Claims 1-28 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.*** Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be

found in the prior art, and **not based on applicant's disclosure**. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. (Emphasis Added). Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, **there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination**. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). (Emphasis Added). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

22 May 2007
Date

/Steven J. Laureanti/signed
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy., Ste. 101
Tempe AZ, 85281
214.636.0799 (mobile)
480.830.2700 (office)
480.830.2717 (fax)
steven@boothudall.com

CUSTOMER NO. 53184